

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TAKEDA PHARMACEUTICALS USA,
INC.,

Plaintiff,

v.

SPIRIDON SPIREAS,

Defendant.

CIVIL ACTION
NO. 17-0452

ORDER

AND NOW, this 3rd day of October, 2017, upon consideration of the Complaint (Doc. No. 1), Defendant's Motion to Dismiss (Doc. No. 16), the Opposition to the Motion to Dismiss (Doc. No. 18), Defendant's Reply Brief in Support of His Motion to Dismiss (Doc. No. 23), and in accordance with the Opinion issued by the Court on this day, it is **ORDERED** that Defendant's Motion to Dismiss (Doc. No. 16) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendant's Motion to Dismiss (Doc. No. 16) is **GRANTED** on the fraud/misrepresentation claim in Count I, and this claim is **DISMISSED WITHOUT PREJUDICE**.
2. Defendant's Motion to Dismiss (Doc. No. 16) is **DENIED** on Plaintiff's breach of contract claim in Count II.
3. Defendant's Motion to Dismiss (Doc. No. 16) is **GRANTED** on the breach of the duty of loyalty claim in Count III, and this claim is **DISMISSED WITHOUT PREJUDICE**.
4. Defendant's Motion to Dismiss (Doc. No. 16) is **GRANTED** on the breach of fiduciary duty claim in Count IV, and this claim is **DISMISSED WITHOUT PREJUDICE**.

5. Defendant's Motion to Dismiss (Doc. No. 16) is **GRANTED** on the conversion claim in Count V, and this claim is **DISMISSED WITHOUT PREJUDICE**.
6. Defendant's Motion to Dismiss (Doc. No. 16) is **DENIED** on Plaintiff's money had and received claim in Count VI.
7. Plaintiff is **ORDERED** to join Mutual Pharmaceutical Company, Inc., a Delaware Corporation, in accordance with Federal Rule of Civil Procedure 19.
8. Plaintiff is granted leave to file an Amended Complaint in accordance with the Opinion of the Court.
9. Plaintiff is given thirty (30) days from the date of this Order in which to file an Amended Complaint.
10. Defendant is **ORDERED** to respond to an Amended Complaint within fourteen (14) days of Plaintiff filing an Amended Complaint or, should Plaintiff elect not to file an Amended Complaint, within forty-four (44) days from the date of this Order to file an Answer to Plaintiff's claims in Counts II and VI.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.